

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 8th DAY OF JANUARY 2007, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Steve L. Spradlin	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Neal Turner	-Emergency Services Coordinator
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Falling Branch Corporate Park
2. Kipps Farm Property

(1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Personnel
2. Parks and Recreation Commission

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Doug Marrs	
Mary W. Biggs	

Annette S. Perkins
James D. Politis
John A. Muffo
Steve L. Spradlin

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Mary W. Biggs	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Gary D. Creed	
Steve L. Spradlin	

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES
Mary W. Biggs
Annette S. Perkins
James D. Politis
John A. Muffo
Gary D. Creed
Doug Marrs
Steve L. Spradlin

NAYS
None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ELECTION OF CHAIR

Supervisor Biggs nominated Supervisor Spradlin to serve as Chairman. There were no other nominations.

**R-FY-07-99
ELECTION OF CHAIR
CALENDAR YEAR 2007**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, That **Steve L. Spradlin** be and hereby is, elected as Chair of the Montgomery County Board of Supervisors for the calendar year 2007 or until a successor is elected.

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
James D. Politis	
John A. Muffo	
Gary D. Creed	
Doug Marrs	
Mary W. Biggs	
Steve L. Spradlin	

Chair Spradlin thanked the Board members for their vote of confidence by re-electing him Chair for 2007. Chair Spradlin commented on the Board of Supervisors' accomplishments in 2006 and spoke of goals for 2007.

ELECTION OF VICE-CHAIR

Supervisor Marrs nominated Supervisor Biggs for Vice-Chair. There were no other nominations.

**R-FY-07-100
ELECTION OF VICE CHAIR
CALENDAR YEAR 2007**

On a motion by Doug Marrs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, That **Mary W. Biggs** be and hereby is, elected as Vice Chair of the Montgomery County Board of Supervisors for calendar year 2007 or until a successor is elected.

The vote on the forgoing motion was as follows:

AYE

Doug Marrs
Mary W. Biggs
Annette S. Perkins
James D. Politis
John A. Muffo
Gary D. Creed
Steve L. Spradlin

NAY

None

ORGANIZATIONAL MATTERS

R-FY-07-101

SELECTION OF REGULAR MEETING DATE

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the regular meetings of the Board of Supervisors for calendar year 2007 shall be the 2nd and 4th Monday of each month beginning 6:00 p.m, if closed session is required, otherwise the meetings shall begin at 7:15 p.m. in the Board Room of the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia provided that when the regular meeting day of any month falls upon a legal holiday, such regular meeting in such month shall be held on the following business day; and provided further, that the Board of Supervisors may, by resolution at any meeting, provided that the next following regular meeting shall be a different time or place, and it shall then be the duty of the County Administrator to give timely notice thereof to all members of the Board and to inform the news media.

BE IT FURTHER RESOLVED, That should the Chairman declare that the weather or other conditions are such that it is hazardous for members to attend the regular meeting, the regular meeting shall be continued to the following Monday. Should the Chairman declare that its still hazardous for members to attend on the following Monday, the Board will have the option of advising the County Administrator to either schedule a new meeting date or cancel the meeting. The continuance of the regular meeting shall be communicated to the members and the press as promptly as possible.

The vote on the foregoing motion was as follows:

AYE

John A. Muffo
James D. Politis
Annette S. Perkins
Mary W. Biggs
Doug Marrs
Gary D. Creed
Steve L. Spradlin

NAY

None

R-FY-07-102

**RULES OF ORDER AND
PARLIAMENTARY PROCEDURES**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby adopts the Rules of Order and Parliamentary Procedures for calendar year 2007 as follows:

Rule 1

The current edition of *Roberts Rules of Order* shall govern in the deliberations of the Board of Supervisors, except as otherwise provided by ordinance or these rules.

Rule 2

The Board may *temporarily suspend* any of its rules by a vote of two-thirds of the members present.

- Rule 3** No ordinance or resolution *appropriating money exceeding the sum of \$500*, imposing taxes, or authorizing the borrowing of money shall be passed except by a recorded affirmative vote of a majority of all members elected to the Board.
- Rule 4** A subject(s) may be *added to the Agenda* following the Delegation portion of the meeting.
- Rule 5** *Discussion of Agenda items* will occur only after a motion is made.
- Rule 6** In any case in which there shall be a *tie vote* of the Board upon any question when all of the members are not present, that question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In any case in which there shall be a tie vote upon any question after complying with this procedure, that tie vote shall defeat the motion, resolution or issue voted upon.
- Rule 7** When any motion, resolution, or ordinance has been *once acted upon* by the Board it cannot be considered again at the same meeting except by a motion to reconsider. The motion to reconsider cannot be repeated on the same question unless the question was amended when previously reconsidered.
- Rule 8** A motion to *reconsider* a question which has been decided shall be made by a member who voted with the prevailing side and shall be made at the same meeting of the Board or the next succeeding meeting of the Board. All motions to reconsider shall be decided by a majority vote of the members present.
- Rule 9** When the Board wishes to *annul some action it has previously taken*, a motion to rescind the objectionable resolution, order or other proceeding may be made. Any action of the Board may be rescinded regardless of the time that has elapsed. A motion to rescind is not in order if action has already been taken which cannot be undone.
- Rule 10** The County Administrator is hereby authorized to prepare for each meeting a *consent agenda* for consideration by the Board. This consent agenda may include any item believed by the County Administrator to be routine and not controversial in nature, for example, resolutions authorizing interdepartmental budget transfers, appropriations, various permits authorized by the Board, referrals to other boards and commissions for appropriate action.
- Rule 11** Any member of the Board may request to have any item *removed from the consent agenda*. Such request need not be seconded. Such item shall then be considered immediately after the consent agenda.
- Rule 12** A single motion and roll call vote in favor thereof shall approve all items remaining on the *consent agenda*.
- Rule 13** The County Administrator is hereby authorized to *provide agendas* for future Board meetings to those individuals, businesses, or organizations who desire to receive same.
- Rule 14** An individual, business or organization shall request the County Administrator on a calendar year basis to *mail such agendas* to them. At the end of each calendar year, the County Administrator shall notify all individuals, businesses, or organizations on the agenda list that agendas will no longer be mailed to them unless notification is received by the County Administrator that they desire to continue to receive agendas for the upcoming calendar year.
- Rule 15** The County Administrator shall **mail agendas at the public expense** until such time as the annual expense for such mailings exceeds \$500. Thereafter, the County Administrator shall bring such practice to the attention of the Board for its consideration.
- Rule 16** Individual speakers will be limited to 5 minutes to address the Board during the

public address and the public hearing portions of the meeting. *Applicants and/or agents of land use issues will be limited to 15 minutes to address the Board during the public hearing portion of the meeting.*

- Rule 17** Staff and **Delegation** presentations will not exceed 20 minutes unless prior approval is obtained from the Administrator.
- Rule 18** **Non-Agenda items** may be included for discussion and action during Board Members' Reports segment of the meeting.
- Rule 19** Motions for **tabling** an item shall include conditions for removal from the table.
- Rule 20** Board meetings will **adjourn** no later than 11:30 p.m., unless a vote is taken to continue the meeting, with an affirmative vote of two-thirds (2/3) of those members present.
- Rule 21** Appointments of individual members of the Board of Supervisors for yearly **appointments** to various Boards, Commissions, Committees, etc., shall be made at the beginning of the year, at the same meeting at which elections of the Chair and Vice Chair occur (the first meeting of each calendar year), unless the appointment to a Board, Commission, or Committee need to be made by the Board prior to January 1 of the effective year in which case the appointment will be made prior to the end of the year to be effective January 1, of the following year.
- Rule 22** On final vote on any ordinance or resolution, the name of each member voting and how he voted shall be recorded.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Annette S. Perkins	
Mary W. Biggs	
Doug Marrs	
Gary D. Creed	
John A. Muffo	
Steve L. Spraldin	

R-FY-07-103
CODE OF ETHICS AND
STANDARD OF CONDUCT
FOR 2007

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

CODE OF ETHICS

Recognizing that persons who hold public office have been given a public trust and that the stewardship of such office demands the highest levels of ethical and moral conduct, any person serving on the Montgomery County Board of Supervisors should adhere to the following Code of Ethics:

1. Uphold the Constitution, laws and regulations of the United States, the Commonwealth of Virginia and Montgomery County, and never knowingly be a party to their evasion.
2. Be loyal to moral principles and the interests of the citizens of the county.
3. Give a full measure of effort and service to the position of trust for which stewardship has been granted; giving earnest effort and best thought to the performance of duties.

4. Seek to find and use the most equitable, efficient, effective, and economical means for getting tasks accomplished.
5. Adopt policies and programs that support the rights and recognize the needs of all citizens regardless of race, gender, age, religion, creed or country of origin. Avoid adopting policies, supporting programs or engaging in Board activities that discriminate against or offend individuals because of race, gender, age, religion, creed or country of origin.
6. Ensure the integrity of the actions of the Board of Supervisors by avoiding discrimination through the dispersing of, or requesting, special favors or unfair privileges to anyone, whether for remuneration or not. A member should never request or accept for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties, or employees.
7. Make no private promises of any kind binding upon the duties of any office, since a public servant has no private word which can be binding on public duty.
8. Engage in no business with the county government, either directly or indirectly, which is inconsistent with the conscientious performance of government duties except as may be consistent with the State and Local Government Conflict of Interest Act.
9. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.
10. Expose through appropriate means and channels, corruption, misconduct, or neglect of duty whenever discovered.
11. Adhere to the principle that the public=s business should be conducted in the public view by observing and following the letter and spirit of the Freedom of Information Act using closed sessions to deal with sensitive personnel, legal, contractual or other issues as provided by the Code of Virginia.
12. Avoid using the position of public trust to gain access to the media for the purposes of criticizing colleagues or citizens, impugning their integrity or vilifying their personal beliefs.
13. Make sure, when responding to the media, that a clear distinction is made between personal opinion or belief and a decision made by the Board of Supervisors.
14. Review orally and in public session at the annual organizational meeting each of these principles.
15. Pledge to honor and uphold these principles, ever conscious that public office is a public trust.
16. The Board recognizes that its primary role is to make policy and therefore will focus on issues pertaining to programs, operations and issues.
17. The Board recognizes that discussion of personnel matters are to remain confidential, must be discussed through appropriate channel processes, and that it is the obligation of each Board member to protect the privacy of the individual.
18. Board members will follow the procedure of communicating directly with the County Administrator and the Chairman of the Board. On personnel matters or matters relating to incidents, issues, or problems, the Board will follow the procedure of communicating directly with the Chairman or the County Administrator. Especially in situations where Board members might conceivably be construed as attempting to supervise, direct, or interfere with county personnel and the performance of their duties.

STANDARDS OF CONDUCT

Recognizing that persons holding a position of public trust are under constant observation by the media and interested county residents, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in our institutions of government, every member of the Montgomery County Board of Supervisors should adhere to the following Standards of Conduct:

1. Avoid, during public meetings and during the performance of public duties, the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens, or personnel.
2. Pay all taxes due to the county, state, or national government.
3. Attend all regularly scheduled meetings of the boards or committees to which he or she has been assigned, resigning whenever personal circumstances preclude regular attendance.
4. Avoid a private lifestyle that casts public doubt upon the integrity and competence of the county government.
5. Make a conscientious effort to be well prepared for each meeting.
6. Offer criticism of county employees only in private meetings with appropriate individuals or in closed session.
7. Work to create a positive environment in public meetings where citizens will feel comfortable in their roles as observers or participants.
8. Maintain an attitude of courtesy and consideration toward all colleagues.
9. Be tolerant. Allow citizens, employees, or colleagues sufficient opportunity to present their views.
10. Be respectful and attentive. Avoid comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, personnel or colleagues.
11. Be concise. Avoid the practice of taking more time to address an issue before the body than is necessary and essential for an adequate consideration of those matters being discussed.

The vote on the foregoing resolution was as follows:

AYE

Annette S. Perkins
Mary W. Biggs
Doug Marrs
Gary D. Creed
John A. Muffo
James D. Politis
Steve L. Spraldin

NAY

None

DELEGATION

Route 460 Connector Corridor Study

Dan Brugh, Executive Director of Metropolitan Planning Organization (MPO), provided an update on the Route 460 Connector Corridor Study. As a result from the first public meeting on November 12, 2006, the following recommendations were made by the MPO Technical Advisory Committee and concurred by the Consultant that is to perform the study:

1. Remove alignments 1A, 1B, 1C, 2A, 2B, and 3 C from further study.
2. Keep and refine other alignments
3. Look at an alignment connecting 1D/2B to 3D
4. Look at connections to the following:
 - a. Heather Drive
 - b. Warm Hearth
 - c. Merrimac Road
 - d. Sandy Circle
 - e. Thomas Lane
5. Look for best connection to Prices Fork Road that would allow future extension into the Radford Arsenal property
6. Look at providing an off road trail the entire length and both bike lanes and an off road trail from Merrimac Road to the Route 460 Bypass
7. A parkway type design is preferred with access control allowing only minimal street connections
8. A 2 lane road on 4 lane right of way is desired although a 4 lane facility may be needed through the Virginia Tech property to the Route 460 Bypass. This should be determined
9. Property lines should be shown on the maps at the next public meeting.

In addition, there were a number of comments received that said an evaluation of expansion of existing Prices Fork Road should be done in lieu of a new alignment. This will be reviewed as well.

There will be another public meeting scheduled in late January or early February with the above recommendations taken into consideration. This public meeting will be advertised.

PUBLIC HEARING

Montgomery County Budget for FY 2007-2008

The purpose of this hearing is to gather citizen comments on the upcoming fiscal year budget.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

Frank Lau addressed the Board about the spreading of bio-solids on County farms. Mr. Lau expressed concerns with the lack of inspections of the spreading of bio-solids and believes the process should be regulated more. He urged the Board to consider adopting a resolution requesting the Virginia Department of Health and the Department of Environmental Quality to make more frequent inspections, and for any future spreading of bio-solids be done properly.

Charlie Bowles spoke in support of US Cellular's request to construct a 199 ft telecommunications tower in Riner. This tower is a necessity to the public safety in the community. Mr. Bowles also spoke in opposition to L & G Circle T's request to change the policy map designation on their property in Riner. He expressed concerns with the lack of water for fire hydrants. Mr. Bowles indicated there is property already designated for commercial use, which should be considered.

Carolyn Haus expressed her concerns with L&G Circle T's request to change the policy map designation. Ms. Haus stated the County went through a comprehensive process to develop a comprehensive plan and village plan for the County. The County's Comprehensive Plan outlines four criteria in order to change the policy map designation of property at the request of a landowner. The Planning Commission has not indicated in their recommendation of approval which of the four criteria this request meets and should at least meet one of the four criteria. Ms. Haus believes this request has no grounds for approval and urged the Board to follow the comprehensive plan.

Margret Smith expressed her concerns and opposition to L&G Circle T's request for a policy map designation change. The expansion on the outskirts of the present village core is not a good transition. The applicants have emphasized that they were not planning to develop their property

until Food Country approached them. This would indicate there were no economic hardships and do not meet any of the criteria needed to amend the policy map designation. Ms. Smith stated that it has become a critical issue to consider development along the Route 8 corridor due to the lack of infrastructure.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously, the Consent Agenda dated January 8, 2007 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
Gary D. Creed	
John A. Muffo	
James D. Politis	
Annette S. Perkins	
Steve L. Spradlin	

R-FY-07-104 SCHEDULE PUBLIC HEARING CONVEYANCE OF EASEMENT HEALTH AND HUMAN SERVICE PROPERTY

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board hereby schedules a public hearing on Monday, February 12, 2007 at 7:15 p.m., or as soon thereafter, at the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia in order to hear citizens comments on the following two proposed conveyances:

- (1) A twenty foot Storm Water Sewer Easement and existing storm sewer to the Town of Christiansburg, located on County of Montgomery property designated as Tax Map Parcels 527-A-240, 527-A-229, adjacent to Roanoke Street in the Town of Christiansburg, Virginia.
- (2) A twenty foot private easement to Creek Properties, LLC, in order to locate a private storm sewer, located on County of Montgomery property designated as Tax Map 527-A-235C, in the Town of Christiansburg, Virginia.

R-FY-07-105 SCHEDULE PUBLIC HEARING CITIZENS TELEPHONE COOPERATIVE'S REQUEST FOR A CONVEYANCE OF PUBLIC UTILITY EASEMENT ALONG THE HUCKLEBERRY TRAIL

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board hereby schedules a public hearing on Monday, February 12, 2007 at 7:15 p.m., or as soon thereafter, at the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia in order to hear citizens comments on the following:

An Easement to Citizens Telephone Cooperative for the purpose of locating fiber optics within an existing AEP Right of Way that crosses the Huckleberry Trail near where the Trail intersects Merrimac Road conditioned upon the proposed easement not interfering with AEP’s existing easement rights.

A-FY-07-70
FIRE PROGRAM FUND ALLOCATION

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007 for the function and in the amount as follows:

23311 Fire Program Fund Distribution	\$61,414
--------------------------------------	----------

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
424401	Fire Program Fund Distribution	\$61,414

Said resolution appropriates funds received from the Fire Program Fund for use by volunteer fire departments.

A-FY-07-71
COBRA INSURANCE
SUPPLEMENTAL APPROPRIATION

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

132	Insurance	\$ 90,000
-----	-----------	-----------

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
419108 Recovered Costs	\$90,000

Said resolution appropriates recovered costs for COBRA payments.

A-FY-07-72
CLERK OF CIRCUIT COURT

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

250 Clerk of Circuit Court	\$ 800
210 Juries	<u>\$2,447</u>
Total	\$3,247

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>	
02250-423100 Shared Expenses	\$ 800
02250-410107 Jury Fees	<u>\$2,447</u>

Total \$3,247

Said resolution appropriates Technology Trust fund monies to cover the cost of computer equipment and criminal jury monies that are reimbursed to the County by the state.

A-FY-07-73
BOARD OF SUPERVISORS
PROFESSIONAL SERVICES

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

100	Board of Supervisors	\$70,000
-----	----------------------	----------

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451203	Undesignated Fund Balance \$70,000

Said resolution appropriates fund balance to cover a portion of fees associated with the joinder study.

A-FY-07-74
LIBRARY
APPROPRIATION ADJUSTMENT

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

710	Montgomery Library	\$18,537
720	Floyd Library	<u>\$ 3,271</u>
	Total	\$21,808

The source of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>	
02710-424409	State Aid – Montgomery \$18,537
02720-424409	State Aid – Floyd <u>\$ 3,271</u>
	Total \$21,808

Said resolution appropriates additional state aid funds for use by the Library.

A-FY-07-75
SHERIFF
PROJECT LIFESAVER

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2007, for the function and in the amount as follows:

321	Sheriff – Grants	\$300
-----	------------------	-------

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
424401	Project Lifesaver	\$300

Said resolution appropriates project lifesaver funds for use by the Sheriff's department.

A-FY-07-76
HEALTH DEPARTMENT
TRANSFER FROM SPECIAL CONTINGENCIES

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:		
960	Special Contingencies	(\$50,919)
TO:		
530	Health Department	\$50,919

Said resolution transfers money from Special Contingencies to cover the County's match to the State's contribution for the County Health Department.

R-FY-07-106
VACATION OF PUBLIC UTILITY AND DRAINAGE EASEMENT
BRUSH MOUNTAIN WEST PHASE 3, LOT 19

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

WHEREAS, The Plat Showing Lot Line Revision and Public Utility and Drainage Easement Vacation for Lot 19 of Brush Mountain West, Phase 3 requests the vacation of a 20' public utility and drainage easement on behalf of the landowners, William & Margaret Davis and Brush Mountain Estates LLC; and

WHEREAS, Section 15.2-2270 of the Code of Virginia, as amended, permits the Board of Supervisors to vacate public utility and drainage easements upon request of the landowners involved.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia does hereby approve the Plat Showing Lot Line Revision and Public Utility and Drainage Easement Vacation for Lot 19 of Brush Mountain West, Phase 3 prepared by Draper Aden Associates (Project No. 755701-19A dated December 1 2006), involving Tax Parcels No. 27-7-19 (Acct ID# 035074) and 27-A-40 (Acct ID# 016095) respectively in the Prices Fork Magisterial District.

FURTHER, The Subdivision Agent is hereby authorized to sign said plat for recordation.

R-FY-07-107
DIRECTOR OF EMERGENCY SERVICES
REAPPOINT COUNTY ADMINISTRATOR
AS DIRECTOR OF EMERGENCY SERVICES

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **B. Clayton Goodman, III** as Director of Emergency Services effective January 1, 2007 and expiring December 31, 2007.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

R-FY-07-108
MONTGOMERY COUNTY
CHAMBER OF COMMERCE LIAISON
APPOINTMENT

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby re-appoints **B. Clayton Goodman, III** as Montgomery County's liaison to the Montgomery County Chamber of Commerce effective January 1, 2007 and expiring December 31, 2007.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

R-FY-07-109
SPECIAL USE PERMIT
ERNIE R. & JACQUELINE P. MARSHALL
(AGENT: VERIZON WIRELESS)
FOR THE PURPOSE OF LOCATING
A 199 FOOT TELECOMMUNICATION TOWER
ON THE NORTH SIDE OF RINER ROAD

On a motion by James D. Politis, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Ernie R. & Jacqueline P. Marshall (Agent: Verizon Wireless) request for a special use permit to allow a one-hundred and ninety-nine (199) foot tall telecommunications tower and associated ground equipment cabinets is hereby approved subject to the following conditions:

1. Tower shall not exceed a total overall height of one hundred ninety-nine (199) feet and shall not have lighting. Tower shall have a base diameter not to exceed forty-eight (48) inches and a top diameter not to exceed eighteen (18) inches.

2. Tower shall be of a monopole design with antennae mounted on a boom at the end of three (3) arms. The maximum length of each boom shall be approximately eight (8) feet. The maximum separation between the two outside antennae on the boom shall also be eight (8) feet as measured from center to center of the outside antennae. Tower shall be painted a neutral color with all wiring and cables located inside the pole structure.
3. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted and approved by the Building official prior to issuance of a building permit.
4. No platforms or dishes shall be permitted on the structure above the tree line. All work platforms shall be removed upon completion of tower construction and antennae installation.
5. Tower shall meet all regulations found in Section 10-48(6) of the county zoning ordinance.
6. Site development shall be in substantial compliance with the plans consisting of seven (7) sheets entitled, "Verizon Wireless, Little River Raw Land, 5850 Riner Road" prepared by Kimley-Horn and Associates, Inc. dated October 26, 2006.
7. Trees shall be maintained in natural condition within fifty (50) feet of the lease area (or to property line). This restriction should be added to the final site plans.
8. Owner/agent shall provide emergency services antennae space in the area of 155 ft, not to exceed 175 ft. on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that the emergency service antennae do not provide radio frequency interference to other antennae located upon the tower. Emergency service providers shall provide equipment. Tower owner/agent shall install the antennae at market rate.

The property is located on the north side of Riner Road (SR 8) with the property entrance located approximately 300 feet west of the Harvest Road and Riner Road intersection and is identified as Tax Parcel Nos. 138-A-51 (Acct ID # 005526) in the Riner Magisterial District (District D). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Gary D. Creed	
John A. Muffo	
Annette S. Perkins	
Mary W. Biggs	
James D. Politis	
Steve L. Spradlin	

ORD-FY-07-19
AN ORDINANCE AMENDING THE 2025 COMPREHENSIVE PLAN POLICY MAP
DESIGNATION OF APPROXIMATELY 27.842 ACRES LOCATED EAST OF
STROUBLES CREEK ROAD AND SOUTH OF SANDY CIRCLE,
FROM RESOURCE STEWARDSHIP TO VILLAGE EXPANSION AREA
IN THE PRICES FORK MAGISTERIAL DISTRICT
VIRGINIA VAUGHAN

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed amendment to the 2025 Comprehensive Plan Policy Map meets the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan and therefore the Policy Map designation of that certain tracts or parcels of land consisting of a 27.842 acre tract of land is hereby amended from the designation of Resource Stewardship to Village Expansion Area

This action was commenced upon the application of Virginia Vaughan.

The property is located east of Stroubles Creek Road and south of Sandy Circle and is identified as Tax Parcel No. 52-A-101A (Account # 130388) in the Prices Fork Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
John A. Muffo	
Annette S. Perkins	
Mary W. Biggs	
James D. Politis	
Doug Marrs	
Steve L. Spradlin	

ORD-FY-07-20
AN ORDINANCE AMENDING THE 2025 COMPREHENSIVE PLAN POLICY MAP
DESIGNATION OF APPROXIMATELY 55.100 ACRES LOCATED EAST OF
STROUBLES CREEK ROAD AND SOUTH OF SANDY CIRCLE,
FROM RESOURCE STEWARDSHIP TO VILLAGE EXPANSION AREA
IN THE PRICES FORK MAGISTERIAL DISTRICT
ANN YATES

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT ORDAINED By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed amendment to the 2025 Comprehensive Plan Policy Map meets the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan and therefore the Policy Map designation of that certain tracts or parcels of land consisting of a 24.789 acre tract of land and a 30.311 acre tract of land are hereby amended from the designation of Resource Stewardship to Village Expansion Area

This action was commenced upon the application of Ann Yates.

The property is located east of Stroubles Creek Road and south of Sandy Circle and is identified as Tax Parcels No. 52-A-96 and 96B(pt) (Account # 015266 and 120216 respectively) in the Prices Fork Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Annette S. Perkins	
Mary W. Biggs	
James D. Politis	
Doug Marrs	
Gary D. Creed	
Steve L. Spradlin	

ORD-FY-07-21

**AN ORDINANCE AMENDING THE 2025 COMPREHENSIVE PLAN POLICY MAP
DESIGNATION OF APPROXIMATELY 26 ACRES LOCATED ON THE WEST SIDE
OF RINER RD AT THE TUCKAHOE RD/RINER RD INTERSECTION,
FROM VILLAGE EXPANSION AREA TO RURAL
IN THE RINER MAGISTERIAL DISTRICT
RONALD E. & TAMMY SALMONS**

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT ORDAINED By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed amendment to the 2025 Comprehensive Plan Policy Map meets the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan and therefore the Policy Map designation of that certain tracts or parcels of land consisting of a 26 acre tract of land is hereby amended from the designation of Village Expansion Area to Rural.

This action was commenced upon the application of Ronald & Tammy Salmons.

The property is located on the west side of Riner Rd at the Tuckahoe Road/Riner Road intersection and is identified as Tax Map Parcel No.119-A-35,36,37(pt) (Acct # 016536) in the Riner Magisterial District.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Mary W. Biggs	
Doug Marrs	
Gary D. Creed	
John A. Muffo	
James D. Politis	
Steve L. Spradlin	

R-FY-07-110

**ORDINANCE AMENDING THE 2025 COMPREHENSIVE PLAN POLICY MAP
DESIGNATION OF APPROXIMATELY 46.511 ACRES LOCATED ON THE WEST
SIDE OF RINER RD APPROXIMATELY 1,000 FEET SOUTH OF THE
DAIRY RD/RINER RD INTERSECTION,
FROM RESOURCE STEWARDSHIP TO VILLAGE EXPANSION AREA
IN THE RINER MAGISTERIAL DISTRICT
L&G CIRCLE T (LEE & GENE TEEL)
IS HEREBY DENIED**

On a motion to deny by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board hereby finds that the Ordinance amending the 2025 Comprehensive Plan Policy Map Designation of approximately 46.511 acres located on the west side of Riner Road, approximately 1,000 feet south of the Dairy Road/Riner Road Intersection from Resource Stewardship to Village Expansion Area in the Riner Magisterial District does not meet the requirements of Section PLU 1.1.1 Policy Area Designations of the Comprehensive Plan and therefore the Policy Map designation of that certain tracts or parcels of land consisting of a 46.511 acre tract of land being requested for amendment from the designation of Resource Stewardship to Village Expansion Area **is hereby denied**.

This action was commenced upon the application of L&G Circle T (Agent: Lee & Gene Teel).

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
Gary D. Creed	
John A. Muffo	
Annette S. Perkins	
James D. Politis	
Steve L. Spradlin	

R-FY-07-111
BOARD OF SUPERVISORS
APPOINTMENTS TO BOARDS,
COMMISSIONS AND COMMITTEES
FOR 2007

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the following Supervisors are appointed as representative to the indicated boards, commissions and committees, effective January 1, 2007 and expiring December 31, 2007:

<u>Board/Commission</u>	<u>Supervisor</u>
AFD Advisory Board	<u>James D. Politis</u>
County/School Liaison Committee Administrator)	<u>B. Clayton Goodman, III</u> (County Administrator)
	<u>Steve L. Spradlin</u> (Chair)
Economic Development Alliance (NRV)	<u>B. Clayton Goodman, III</u> (County Administrator)
	<u>Steve L. Spradlin</u> (Chair)
Economic Development Commission (Montgomery Regional)	<u>Annette S. Perkins</u>
Fairview District Home Board	<u>Doug Marrs</u>
Fairview Home, Inc. Board of Directors	<u>B. Clayton Goodman, III</u> (County Administrator)
Finance Board	<u>Steve L. Spradlin</u> (Chair)
	<u>B. Clayton Goodman, III</u> (County Administrator)
Legislative Liaison	<u>Mary W. Biggs</u>
Library Board Liaison	<u>Mary W. Biggs</u>
Metropolitan Planning Organization Member)	<u>Doug Marrs</u> (Board Member)

(MPO)	<u>John A. Muffo</u> (Alternate) <u>B. Clayton Goodman, III</u> (County Administrator)
Montgomery County Improvement Council (MCIC)	<u>John A. Muffo</u>
Parks & Recreation Commission Liaison	<u>Steve L. Spradlin</u>
Planning Commission Liaison	<u>John A. Muffo</u> <u>Mary W. Biggs</u> (Alternate)
Real Estate Committee (2)	<u>James D. Politis</u> <u>Gary D. Creed</u>
Resource Conservation & Development District (RC&D)	<u>Steve L. Spradlin</u> <u>John A. Muffo</u> (Alternate)
Roads Committee (2)	<u>James D. Politis</u> <u>Doug Marrs</u>
Road Viewers Board	<u>All Board Members</u>
School Board Liaison	<u>Mary W. Biggs</u> <u>Annette S. Perkins</u> (Alternate)
Transportation Safety Commission	<u>Gary D. Creed</u>
Tourism Development Council	<u>Michael D. Clark</u> (Parks & Recreation Director) <u>James D. Politis</u> (Alternate)
Utilities Committee	<u>B. Clayton Goodman, III</u> (County Administrator) <u>Steve L. Spradlin</u> (Chair)
Workforce Investment	<u>Annette S. Perkins</u>

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/ authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/ authority.

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Gary D. Creed	
John A. Muffo	
Annette S. Perkins	
James D. Politis	
Mary W. Biggs	
Steve L. Spradlin	

A-FY-07-77
BOARD OF EQUALIZATION
TRANSFER FROM GENERAL CONTINGENCIES

BOARD MEMBERS' REPORTS

Supervisor Creed responded to Frank Lau's comments under public address tonight regarding Bio-Solids. He recalls that a number of years ago the Board of Supervisors was asked to prevent the spreading of bio-solids on land in Montgomery County. Supervisor Creed expressed his opposition to the spreading of bio-solids.

The Board directed the County Administrator and County Attorney to research this matter further and report back to the Board.

Supervisor Biggs thanked the Board for their support by electing her as Vice-Chair for 2007.

Supervisor Politis thanked the Board for their support tonight.

ADJOURNMENT

On a motion by Annette S. Perkins, seconded by James D. Politis and carried unanimously, the Board adjourned to Monday, January 22, 2007 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Annette S. Perkins	
Doug Marrs	
Mary W. Biggs	
Gary D. Creed	
John A. Muffo	
Steve L. Spradlin	

The meeting adjourned at 8:35 p.m.

APPROVED: _____	ATTEST: _____
Steve L. Spradlin	B. Clayton Goodman, III
Chair	County Administrator